

**LEGISLATIVE SERVICES AGENCY
OFFICE OF FISCAL AND MANAGEMENT ANALYSIS**

301 State House
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FISCAL IMPACT STATEMENT

LS 7331

BILL NUMBER: HB 1955

DATE PREPARED: Dec 27, 2000

BILL AMENDED:

SUBJECT: Dealing in Methamphetamine.

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FUNDS AFFECTED: ☒ **GENERAL**
☒ **DEDICATED**
FEDERAL

IMPACT: State & Local

Summary of Legislation: This bill provides that a person who: (1) knowingly or intentionally manufactures or delivers methamphetamine; or (2) possesses with intent to manufacture or deliver methamphetamine commits dealing in methamphetamine, a Class B felony. The bill makes the offense a Class A felony if: (1) the amount of the drug involved weighs three grams or more; (2) the person delivered the drug to a person less than 18 years of age at least three years junior to the person; or (3) the person delivered the drug on a school bus or in, on, or within 1,000 feet of school property, a public park, or a family housing complex. The bill also provides that a person who knowingly or intentionally: (1) purchases, rents, or otherwise procures chemicals, supplies, equipment, or a laboratory location; or (2) sets up equipment or supplies with the intent to illegally manufacture methamphetamine commits illegal operation of a methamphetamine laboratory, a Class C felony.

The bill adds the offense of dealing in methamphetamine to conform with other statutes that concern dealing in cocaine, narcotic drugs, and other controlled substances including: (1) specifying that a juvenile court does not have jurisdiction over a person for allegedly dealing in methamphetamine; (2) providing that, if a person commits dealing in methamphetamine, certain occupational and professional licenses and certifications held by the person and certain motor vehicle licenses and registrations held by the person may be revoked or suspended; and (3) providing that certain property used by the person to commit the offense may be seized.

Effective Date: July 1, 2001.

Explanation of State Expenditures: This bill creates new provisions for Class A, B, and C felonies. Prison terms for these felonies depend upon mitigating and aggravating circumstances. This bill adds dealing in methamphetamine as an aggravating circumstance considered in prison sentencing and an offense for which the court may not suspend a sentence below the minimum assigned. It also adds dealing in methamphetamine as a requisite act in a murder charge. The average expenditure to house an adult offender was \$20,700 in FY 99. Individual facility expenditures range from \$14,936 to \$37,807. (This does not include the cost of new

construction.) If offenders can be housed in existing facilities with no additional staff, the average cost for medical care, food, and clothing is approximately \$1,825 annually, or \$5 daily, per prisoner. The following prison terms apply.

<u>Felony</u>	<u>Prison Term</u>	<u>Avg Time Served</u>
Class A	20 to 50 years	8 yrs., 4 mos.
Class B	6 to 20 years	3 yrs., 7 mos.
Class C	2 to 8 years	2 yrs.

Costs incurred by state entities that investigate criminal backgrounds for occupational and professional licenses and certifications are considered part of regular operations and will be unaffected by this bill.

Explanation of State Revenues: If additional court cases occur and fines are collected, revenue to both the Common School Fund and the state General Fund could increase. The maximum fine for a Class A, B, or C felony is \$10,000. Criminal fines are deposited in the Common School Fund. If the case is filed in a circuit, superior, county or municipal court (courts of record), 70% of the \$120 court fee that is assessed and collected when a guilty verdict is entered would be deposited in the state General Fund. If the case is filed in a city or town court, 55% of the fee would be deposited in the state General Fund.

In addition, persons convicted of a drug-related offense may also be liable for a drug abuse, prosecution, interdiction, and correction fee ranging between \$200 and \$1,000. The revenue collected from this fee is deposited in the state User Fee Fund and distributed to state and local programs.

Explanation of Local Expenditures: Eliminating juvenile court jurisdiction for violations involving dealing in methamphetamine may minimally increase adult court expenditures for processing these cases.

If the new felony provisions specified in this bill cause more defendants to be detained in county jails prior to their court hearings, local expenditures for jail operations may increase. The average cost per day is approximately \$44.

Explanation of Local Revenues: Proceeds from the sales of property seized or money confiscated for offenses involving methamphetamine may be deposited with the unit that employed the law enforcement officers (to defer enforcement costs) as well as to the state General Fund and the Common School Fund.

If additional court actions occur and a guilty verdict is entered, local governments would receive revenue from the following sources: (1) The county general fund would receive 27% of the \$120 court fee that is assessed in a court of record. Cities and towns maintaining a law enforcement agency that prosecutes at least 50% of its ordinance violations in a court of record may receive 3% of court fees. If the case is filed in a city or town court, 20% of the court fee would be deposited in the county general fund and 25% would be deposited in the city or town general fund. (2) A \$3 fee would be assessed and, if collected, would be deposited into the county law enforcement continuing education fund. (3) A \$2 jury fee is assessed and, if collected, would be deposited into the county user fee fund to supplement the compensation of jury members.

In addition, if a person is convicted of a drug-related offense, a sentencing court may assess a marijuana eradication fee of not more than \$300 if the county has established a Weed Control Board. The court may also assess an alcohol and drug services program fee of not more than \$300 if a local government has established an alcohol and drug services program. Revenue collected from the marijuana eradication fee is deposited into the county user fee fund. Revenue collected from the alcohol and drug services program fee

is deposited in the county or city or town user fee fund.

State Agencies Affected: Department of Correction; Emergency Medical Services Commission; Health Professions Bureau; Professional Licensing Agency.

Local Agencies Affected: Trial courts, local law enforcement agencies.

Information Sources: Indiana Sheriffs Association, Department of Correction.